

10/036,142

via fax 703-305-3590

REMARKS

The Office Action of July 2, 2003 has been received and both the Examiner's comments and references cited carefully considered. In the Action, claim 1 was rejected under 35 U.S.C. 102(a,e) as being clearly anticipated by Amendt; claims 1, 3, and 8 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Miklovic; claim 12 was objected to because of an informality; and, claims 2, 4-7, and 9-11 were objected to as being dependent upon a rejected base claim.

In response to the Office Action, base claim 1 has been amended to more clearly define applicant's invention and to distinguish the prior art. Now recited in claim 1 is a basin for containing water and accommodating human feet submerged within the water, a footrest disposed out of the water, and a steam generator for directing steam at one or both of the feet while supported on the footrest.

Amendt fails to disclose a basin filled with water accommodating feet submerged within the water. As disclosed in column 4, lines 28-35, and column 5, lines 3-6, a foot support grid 35 supports feet off of a base 21 and a lip 27 merely directs condensation into the base 21 where it can be wiped up. Furthermore,

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Amendt fails to disclose a steam generator for directing steam at the soles of feet disposed on a footrest. To the contrary and as disclosed in column 5, lines 30-43, a horn 40 with outlets 45 directs steam away from feet located in the base 21.

Miklovic also fails to disclose the combination recited in amended base claim 1. As noted by the Examiner, outlets of pipes 42 provide steam that could be directed against feet disposed in a base tub 23. However, Miklovic fails to disclose a footrest disposed above the pipes. Also, as disclosed in column 3, lines 28-30, the tub 23 is filled with water up to at least a level 54 and therefore covering the pipes 42 and accordingly failing to suggest alternating exposure of feet to water and steam.

Applicant submits that amended base claim 1 clearly now recites a combination not shown by the prior art. In addition, claims 2 - 11 all are dependent on amended claim 1 and recite further patentably distinct features of applicant's invention. The dependent claims 2 - 11 are believed also to be clearly allowable.

Claims 12 - 19 were allowed.

New independent claim 20 includes all limitations of original base claim 1 and dependent claim 2. Claim 2 was objected to but indicated to be allowable if rewritten to include the limitations of base claim 1.

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New independent claim 21 includes all limitations of base claim 1 and dependent claim 5. Claim 5 was objected to but indicated to be allowable if rewritten to include the limitations of base claim 1.

Independent claim 12 has been amended to obviate the objection thereto because of an informality.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 for a total period of one month. If an additional extension of time is required, please consider this a petition therefor. Please charge Deposit Account No. 20-1375 in the amount of \$110.00.

Twenty one claims remain after this amendment, 5 independent claims. Twenty claims, three independent claims, were previously paid for. Please charge Deposit Account No. 20-1375 in the amount of \$172.00 for two additional independent claims. The Commissioner is authorized to charge Deposit Account No. 20-1375 if any additional fee is required. The total fee due with this Amendment is \$282.00.

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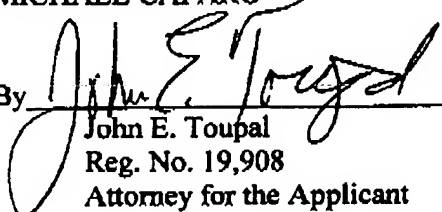
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In view of the above amendments and remarks, applicant now believes that this application is in condition for allowance. Such action is most respectfully requested.

Respectfully submitted,

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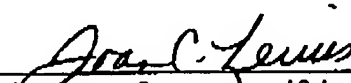
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this Amendment is being facsimile transmitted to the Patent and Trademark Office Fax. No. 703-305-3590 on the date shown below.

Joan C. Lewis

Name of person certifying

Date October 31, 2003
Signature of person certifying